

RESTRAINING ORDERS

“Paper Thin Protection”

INTRODUCTION

Victims of domestic violence need protection from those who may harm them. The court can issue restraining orders, which are designed to protect domestic violence victims from further abuse by perpetrators. The Grand Jury is concerned that these orders, without accompanying safeguards, may provide a false sense of security to victims and their children. Often they may increase the possibility of further abuse.

To examine how effective restraining orders are in protecting victims of domestic violence, the Grand Jury looked at the problem from three perspectives: the victim’s understanding of the seriousness of the crime; the District Attorney’s responsibility for the prosecution of abusers; the role of law enforcement and the availability of resources in the community. The Grand Jury initiated this inquiry to determine whether this combination of efforts offers women and their children the protection they need to ward off future abuse or whether it may make them more vulnerable to continued domestic violence.

ORIGIN

A current grand jury inquiry of women’s shelters in this county led to a concern about the plight of battered women and to an investigation of measures in place to protect them from the fear of continuing domestic violence. Although men may also become victims of abuse from a spouse or domestic partner, this report will be focusing on women and their children. To determine the degree of safety restraining orders provide, it is important to understand the different types of restraining orders, the procedures for obtaining restraining orders, the enforcement of these orders, how they actually protect victims, and community resources available to support victims and their families.

AUTHORITY

California Penal Code §925 states: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county

created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.”

California Penal Code §925a states: “The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit.”

METHOD

- To understand the role of the victim, the Grand Jury interviewed adult victims of domestic violence and reviewed current literature regarding domestic violence and its impact on children.
- To understand the role of the legal systems in this process, the Grand Jury conducted a roundtable discussion with members of the Domestic Violence Task Force, (the Domestic Violence Investigator and the Victim Witness Program Director) and the directors and legal assistance teams from both county women’s shelters. We also had an interview with the District Attorney of San Luis Obispo County (DA). In addition, we reviewed the DA’s protocols for the prosecutions of domestic violence crimes. (Bibliography #8). We also held an interview with a family law attorney who specializes in domestic violence cases.
- To understand the role of the Probation Department in dealing with convicted domestic violence offenders, we interviewed a member of the San Luis Obispo County Probation Department.
- To obtain a perspective on efforts aimed at batterers, we conducted an interview with the director of one of the abusers’ group (Men Helping Men).
- To understand the role of law enforcement in this process, the Grand Jury:
 - } surveyed all police and sheriff departments in this county regarding domestic violence restraining order enforcement procedures (Appendix A),

-] reviewed police protocols for dealing with domestic violence incidents and with violations of existing restraining orders,
-] checked on training courses available at Peace Officers Standards & Training commission (POST) and on the internet at <http://www.post.ca.gov/training>,
-] examined California Law Enforcement Telecommunication System (CLETS) and Domestic Violence Restraining Orders System (DVROS)
-] researched literature about recent changes in law enforcement procedures regarding arrests, firearms, and police discretionary powers, and
-] reviewed current state legislation pertaining to recent changes in domestic violence protocols.

NARRATIVE

Definition of Domestic Violence:

Domestic violence is defined as any type of physical abuse, including hitting, kicking, shoving, choking, hair pulling, throwing objects, sexual assault, breaking into a victim's house or workplace, and stealing or destroying a victim's property. Also under the rubric of domestic violence is verbal abuse which may include threatening harm or murder, defaming a victim's character to family, neighbors or employers, and harassing or obscene phone calls or emails. Other forms of abuse involve stalking and excessive controlling behavior, such as cutting off the use of the family car, checking accounts and credit cards as well as attempting to isolate the victim from relatives and friends.

The Effects of Domestic Violence on Children:

Domestic violence is a family matter. When incidents of violence are witnessed by children, a myriad of psychological and emotional effects can occur.

- Children witnessing the violence may imitate the batterer and become aggressive in their behavior toward others.
- Children may feel threatened when observing violence and assume the victim role in their own lives.
- Children may become fearful and anxious with the perpetrator, believing they will be physically abused.

- Children may assume they are responsible for the abusive incidents and carry the guilt into later life.
- Children may become the protector of the victim and be more at risk for physical abuse themselves.
- Children may align with the batterer and show hostility and/or disdain for the victim.
- Children may suffer from sleep disturbances, nightmares and bed-wetting, thumb sucking and other regressive behavior.
- Children may develop inappropriate social skills, become isolated and withdrawn.
- Children may have problems in school due to lack of concentration.
- Children have even been maimed or killed by the batterer as a reprisal for a parent getting a restraining order. (See Bibliography)

Children of families who have domestic violence incidents are required to be reported to county Child Welfare Services in accordance with California Penal Code 11166 (i).

Types of Restraining Orders:

EMERGENCY PROTECTIVE ORDER (EPO)

- Police officers respond to 911 calls to determine whether there is an immediate or present danger or a recent incident or threat of abuse.
- Police officers can call a judge at any hour of the day or night to obtain an EPO.
An EPO is a form of a no-contact or a peaceful contact order.
- An EPO becomes enforceable when police inform the restrained party and provide the protected party with a copy of the order.
- An EPO is valid for five court days or seven calendar days (whichever is shorter) until a hearing is held. (Appendix E, EPO)

TEMPORARY RESTRAINING ORDER (TRO)

- A victim applies to Family Court after submission of written affidavit stating reasonable proof of an act or threat of past domestic violence.
- The court can make this ruling *ex parte*, i.e. without giving the alleged offender the opportunity to appear in the court and contest the order.
- The court must schedule a full hearing within 20 days (the duration of the order).

- The order and notice of the hearing must be served on the restraining party for it to become enforceable. (Appendix C, TRO).

ORDER AFTER HEARING (OAH) or PERMANENT RESTRAINING ORDER

- After a full court hearing, the court may issue a permanent restraining order, termed an Order After Hearing, which can last up to three years and can be renewed.
- If the restrained party appears at the hearing, he is considered to be served with the court's order. If not, the OAH may be extended, and a copy is mailed to the party's last known address.
- If the OAH is different than the TRO, the restrained party must be personally served.
- A lifelong restraining order may be granted anytime during the three years without new offenses. The victim need only state a continuing fear of the batterer.
- Family Court, upon issuing a restraining order, may include child custody, child support, visitation orders, and property decisions.

CRIMINAL PROTECTIVE ORDER (CPO)

- Criminal Court can issue a CPO during prosecution and as a condition of probation.
- Copies of the CPO must be given to the victim, the defendant, local law enforcement, and the prosecutor.
- Restraining orders issued as part of the defendant's condition of probation for a domestic violence-related crime expire when the probationary sentence ends (a minimum of three years).

Application for Restraining Orders:

Women's shelters are a source of help in this process. Bilingual brochures and Legal Assistance are available at both shelters to provide victims with information that can guide them through the reporting process.

Once a victim has an EPO, she can apply to Family Court for a TRO. Help in this process can be obtained either from Legal Assistance, a private attorney, or by downloading forms from the Internet. After the judge signs the TRO, it is entered into a statewide database (CLETS) by 5:30 pm of that day. Copies of current orders are kept in the victim's possession at all times.

Terms and Conditions of Restraining Orders:

The abuser may be ordered to maintain a specified distance from the victim. He may either have supervised visitation or no contact with his children, and he will be remanded to a 52-week batterers' program called "Men Helping Men", or another anger management program sponsored by the Probation Department. Those men who fail to attend are reported to Probation for disciplinary action. Offenders must surrender all firearms within 24 hours of the receipt of the restraining orders and are expressly prohibited from purchasing guns during the duration of the orders.

Violations of Restraining Orders:

Noncompliance with any terms of restraining orders is a crime. Violators can be arrested and brought into court. Minor violations can result in a sentence of community service and/or a fine. Major violations can carry a \$700 fine with 90 days in jail. If associated with criminal activity, violators can be charged as felons, fined up to \$20,000 and may be sentenced up to ten years in prison.

Law Enforcement Reporting of Domestic Violence Crimes:

The Sheriff's Office and the police departments recognize the need for continuing training for dealing with domestic violence crimes. Training and updated information is available online, on CD-ROMs and in telecourses posted on the internet. Officers are given Watch Briefings to keep them aware of recent changes in the law. Law enforcement must now submit a report to Child Welfare Services anytime a child is in a home experiencing a domestic violence incident, whether they are present or not. Law enforcement officers are required to complete a Suspected Child Abuse Report (SCAR) including identifying information, type of domestic abuse and whether the child was present during the incident. Child Welfare Services, upon receiving a SCAR from law enforcement, will assign a social worker to make a complete assessment to determine if services are needed. They will inform law enforcement as to the outcome using the Child Abuse Investigation Report and a letter to the mandated reporter.

Issues and concerns regarding the use of these protocols that cannot be resolved on a case-by-case basis are brought to the DA's Domestic Violence Task Force. This Task Force is composed of representatives from various agencies and advocacy groups who meet periodically to share ideas and provide leadership.

Medical Reporting of Domestic Violence Injuries:

As a result of the Attorney General's Report, Keeping the Promise (see Bibliography #6), a Blue Shield Foundation funded project, Medical Directions, Inc., is expanding its online training for physicians in California. This includes information that would assist them in their legal responsibility to report domestic violence incidents when victims seek treatment for injuries either privately or at a hospital emergency rooms or urgent care centers.

Hospital and urgent care centers need to be aware of the importance of using proper codes to identify domestic violence victims and document their injuries with photographs.

CONCLUSION

Victims of domestic violence who have restraining orders can enhance their level of safety if the terms of the orders are strictly adhered to, and if law enforcement and other community resources are properly utilized to support them. Victims with extended families to help them and batterers with steady jobs may be more likely to obey the terms of the orders. Abusers who understand the impact of their behavior on their children will be more apt to comply with their orders. All of these agencies, working together, may help domestic violence victims guard against further abuse.

However, restraining orders offer no protection if batterers don't keep to 'stay-away' distances, if they don't surrender their firearms, if visits with their children are not strictly supervised as ordered, if the abuser doesn't attend an anger management program or if the restraining orders are not understood by both parties. Violence can escalate if abusers become vindictive. Cultural and language difficulties and the shame associated with battering can prevent victims from reporting these crimes. Police and law enforcement's varying responses to domestic violence are also factors (Appendix A). In 2004, 138 women were murdered in California as a result of

domestic disputes. It is not known how many of these women had restraining orders. Nevertheless, a false sense of security for a victim and her family can sometimes become a matter of life or death.

FINDINGS

Finding 1: Victims of domestic violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children.

Finding 2: Research shows the impact of domestic violence on children has a lasting effect in that such children have a strong tendency to experience “the cycle of violence” in their own adult relationships and/or become abusers themselves. (Bibliography #8)

Finding 3: Arrests for domestic violence by law enforcement is inconsistent across law enforcement agencies. (Appendix A)

Finding 4: Despite the law requiring firearms to be surrendered when an EPO is issued, this is not always done. (Appendix B, Tables 7 & 8).

Finding 5: According to information provided to the Grand Jury, participants in counseling groups may go for several weeks without attending meetings before the Probation Department is notified. If a probationer fails to comply with the mandated number of sessions, he is returned to court for violation of probation, and an arrest warrant may be requested.

Finding 6: A batterer who has been convicted of a domestic violence crime and is on probation has a Criminal Protective Order (CPO) preventing him from contact with the victim. When the terms of his probation expire and the CPO is no longer in effect, the Probation Department will conduct an assessment before recommending to the court whether he can be reunited with his family. Batterers with Family Court orders, however, are not assessed, and often repeat their violent actions after the victim takes him back.

RECOMMENDATIONS

Recommendation 1: Information about local resources and services for victims of domestic violence and their children should be disseminated widely through the use of public service announcements in local media outlets and placed on the county's web site. (Findings 1 & 2)

Recommendation 2: Domestic violence training for law enforcement officers, dispatchers and first responders is readily available and needs to be considered an essential element in their training. (Finding 3)

Recommendation 3: Training for law enforcement officers should include a heightened awareness of the need for EPOs, where appropriate, in handling incidences of domestic violence. (Appendix E). When issuing EPOs, law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene. (Findings 1 & 3)

Recommendation 4: Law enforcement officers should make every effort to insure that batterers surrender their firearms, in accordance with federal and state law. (Finding 4)

Recommendation 5: Batterers with stay-away orders from Family Court should be required to undergo a formal assessment prior to family reunification. (Finding 5)

REQUIRED RESPONSES

- **The City of Arroyo Grande Police Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The Arroyo Grande City Council, Due 09/08/06 (Findings 1& 3 and Recommendations 2, 3 & 4)**
- **The City of Atascadero Police Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The Atascadero City Council, Due 09/08/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The City of Grover Beach Police Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The Grover Beach City Council, Due 09/08/06 (Findings 1&3 and Recommendations 2, 3 & 4)**
- **The City of Morro Bay Police Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**

- **The Morro Bay City Council, Due 09/08/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The City of Pismo Beach Police Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The Pismo Beach City Council, Due 09/08/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The City of Paso Robles Police Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The Paso Robles City Council, Due 09/08/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The City of San Luis Obispo Police Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The San Luis Obispo City Council, Due 09/08/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The County of San Luis Obispo Sheriff's Department, Due 08/09/06 (Findings 1 & 3 and Recommendations 2, 3 & 4)**
- **The County of San Luis Obispo Probation Department, Due 08/09/06 (Finding 5 and Recommendation 5)**
- **The County of San Luis Obispo Board of Supervisors, Due 09/08/06 (All Findings and Recommendations)**

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Appendix A

2004 Domestic Violence (DV) and Restraining Order (RO) Statistics for San Luis Obispo County

2004 DOMESTIC VIOLENCE (DV) & RESTRAINING ORDER (RO) STATISTICS FOR SAN LUIS OBISPO COUNTY		Arroyo Grande	Atascadero	Grover Beach	Morro Bay	Paso Robles	Pismo Beach	San Luis Obispo	Unincorporated Area	Total
Documented DV Calls	No.	39	152	101	36	187	54	131	256	956
	%	4.1	15.8	10.6	3.8	19.6	5.6	13.7	26.8	100
DV Arrests	No.	39	79	28	20	65	37	61	187	516
	%	7.5	15.3	5.4	3.8	12.9	7.1	11.8	36.2	100
ROs in CLETS in District Originating in 2004	No.	83	314	80	58	107	169	NOT AVAIL.	NOT AVAIL.	811
	%	10.2	38.7	9.9	7.1	13.2	20.9			100
Arrests DV/RO Violations	No.	7	6	12	5	23	1	4	55	113
	%	6.2	5.3	10.6	4.4	20.4	.9	3.5	48.7	100
2000 Census Population Last available figures for all reporting venues	No.	16K	26K	13K	10K	24K	9K	44K	105K	247K
	%	6.5	10.5	5.3	4.0	9.7	3.6	17.8	42.9	99.9

In addition, each law enforcement agency was asked to describe the training officers receive in dealing with domestic violence and restraining orders. Basically, the policing agencies in the county adhere to a combination of "Peace Officer Standards & Training," [POST], and the "San Luis Obispo County Domestic Violence Protocol." No significant differences exist among the departments queried.

Appendix B

**Orders After Hearing (OAH)
and
Criminal Protective Orders (CPO)
as listed in
Domestic Violence Restraining Order
System (DVROS)
as of
May 11, 2004 and October 18, 2004**

Table 7
Orders After Hearing (OAH) without Firearms Prohibition as listed in Domestic Violence Restraining Order System (DVROS) as of May 11, 2004 and October 18, 2004

County with population 100,000 or more	OAH 5/11/04			OAH 10/18/04			County with population less than 100,000	OAH 5/11/04			OAH 10/18/04		
	Total	Without firearms prohibition	Percent	Total	Without firearms prohibition	Percent		Total	Without firearms prohibition	Percent	Total	Without firearms prohibition	Percent
San Francisco	1,853	305	16.5%	1,729	335	19.4%	Lake	364	120	33.0%	339	68	20.1%
Madera	230	29	12.6%	236	20	8.5%	Modoc	77	16	20.8%	74	13	17.6%
Los Angeles	18,600	1,331	7.2%	18,284	878	4.8%	Colusa	15	4	26.7%	16	2	12.5%
San Mateo	1,111	96	8.6%	1,056	44	4.2%	Plumas	64	9	14.1%	80	8	10.0%
Ventura	1,245	77	6.2%	1,172	48	4.1%	San Benito	89	9	10.1%	87	8	9.2%
Butte	621	36	5.8%	608	24	3.9%	Mono	21	11	52.4%	22	2	9.1%
San Bernardino	3,919	272	6.9%	3,995	139	3.5%	Mariposa	46	3	6.5%	52	3	5.8%
Santa Clara	2,962	63	2.1%	2,924	100	3.4%	Tehama	128	6	4.7%	131	7	5.3%
Humboldt	343	41	12.0%	304	10	3.3%	Nevada	263	14	5.3%	255	10	3.9%
Imperial	334	38	11.4%	332	8	2.4%	Lassen	86	19	22.1%	81	2	2.5%
Yolo	383	18	4.7%	373	8	2.1%	Siskiyou	273	29	10.6%	280	5	1.8%
Orange	5,217	151	2.9%	5,126	105	2.0%	Del Norte	92	17	18.5%	84	1	1.2%
Alameda	2,377	147	6.2%	2,459	45	1.8%	Calaveras	122	7	5.7%	111	1	0.9%
Merced	853	68	8.0%	875	15	1.7%	Mendocino	400	13	3.3%	435	1	0.2%
Shasta	478	13	2.7%	500	8	1.6%	Alpine	4	0	0.0%	2	0	0.0%
Riverside	4,981	149	3.0%	5,060	74	1.5%	Amador	59	0	0.0%	60	0	0.0%
Kern	1,386	223	16.1%	1,361	19	1.4%	Glenn	97	10	10.3%	93	0	0.0%
Sacramento	3,233	56	1.7%	3,178	43	1.4%	Inyo	81	1	1.2%	68	0	0.0%
San Joaquin	1,343	40	3.0%	1,291	15	1.2%	Sierra	14	1	7.1%	13	0	0.0%
Monterey	707	16	2.3%	705	8	1.1%	Sutter	310	5	1.6%	322	0	0.0%
San Luis Obispo	459	26	5.7%	525	5	1.0%	Trinity	73	5	6.8%	81	0	0.0%
Napa	292	13	4.5%	323	3	0.9%	Tuolumne	62	2	3.2%	67	0	0.0%
Marin	357	13	3.6%	355	3	0.8%	Yuba	166	32	19.3%	164	0	0.0%
Fresno	1,827	118	6.5%	1,923	15	0.8%	Total	2,906	333	11.5%	2,917	131	4.5%
San Diego	8,387	200	2.4%	8,161	57	0.7%							
Santa Cruz	569	30	5.3%	582	4	0.7%							
Tulare	1,012	73	7.2%	1,006	6	0.6%							
Solano	1,057	24	2.3%	1,030	4	0.4%							
Stanislaus	1,510	25	1.7%	1,490	3	0.2%							
Sonoma	1,063	3	0.3%	1,024	2	0.2%							
Placer	1,086	57	5.2%	1,052	2	0.2%							
Contra Costa	2,750	4	0.1%	2,825	4	0.1%							
Santa Barbara	722	103	14.3%	6,992	2	0.0%							
El Dorado	385	17	4.4%	384	0	0.0%							
Kings	229	7	3.1%	158	0	0.0%							
Total	73,881	3,882	5.3%	79,398	2,056	2.6%							

Note:
Since October 2004, San Francisco Police Department has re-examined and significantly improved the entry of firearms prohibition into DVROS.

Table 8
Criminal Protective Orders (CPO) without Firearms Prohibition as listed in Domestic Violence Restraining Order System (DVROS) as of May 11, 2004 and October 18, 2004

County with population 100,000 or more	CPO 5/11/04			CPO 10/18/04		
	Total	Without firearms prohibition Number	Percent	Total	Without firearms prohibition Number	Percent
Butte	568	205	36.1%	702	165	23.5%
Madera	7	3	42.9%	95	12	12.6%
Yolo	1,363	108	7.9%	1,433	100	7.0%
Ventura	285	45	15.8%	469	24	5.1%
Alameda	9,813	1,988	20.3%	10,303	387	3.8%
Riverside	155	5	3.2%	392	12	3.1%
Stanislaus	15	2	13.3%	72	2	2.8%
Tulare	192	31	16.1%	451	10	2.2%
Los Angeles	45,270	1,117	2.5%	45,050	678	1.5%
San Bernardino	984	35	3.6%	1,668	21	1.3%
Merced	790	85	10.8%	985	12	1.2%
Monterey	1,855	62	3.3%	1,786	18	1.0%
Humboldt	189	16	8.5%	200	2	1.0%
Santa Clara	9,275	70	0.8%	9,576	87	0.9%
Sonoma	1,301	44	3.4%	1,239	11	0.9%
El Dorado	781	53	6.8%	908	8	0.9%
Kern	1,136	11	1.0%	1,206	8	0.7%
Solano	112	9	8.0%	512	3	0.6%
Santa Barbara	1,098	22	2.0%	1,243	6	0.5%
San Luis Obispo	1,710	122	7.1%	1,789	8	0.4%
San Mateo	3,650	51	1.4%	3,868	17	0.4%
San Joaquin	4,635	43	0.9%	4,753	13	0.3%
Fresno	1,994	26	1.3%	2,508	5	0.2%
Contra Costa	2,549	6	0.2%	2,684	5	0.2%
Marin	1,149	10	0.9%	1,231	2	0.2%
San Diego	3,984	119	3.0%	4,787	7	0.1%
Placer	1,172	29	2.5%	1,387	2	0.1%
Sacramento	1,746	4	0.2%	1,688	1	0.1%
Santa Cruz	1,916	12	0.6%	1,944	1	0.1%
Orange	13,462	13	0.1%	15,205	4	0.0%
Imperial	0	0	-	24	0	0.0%
Kings	2	0	0.0%	5	0	0.0%
Napa	4	0	0.0%	87	0	0.0%
Shasta	216	0	0.0%	251	0	0.0%
Total	113,378	4,346	3.8%	120,501	1,631	1.4%

County with population less than 100,000	CPO 5/11/04			CPO 10/18/04		
	Total	Without firearms prohibition Number	Percent	Total	Without firearms prohibition Number	Percent
San Benito	42	19	45.2%	63	35	55.6%
Mariposa	127	20	15.7%	147	14	9.5%
Colusa	95	14	14.7%	96	8	8.3%
Sierra	10	1	10.0%	16	1	6.3%
Yuba	33	3	9.1%	62	3	4.8%
Plumas	115	3	2.6%	102	3	2.9%
Amador	87	10	11.5%	132	2	1.5%
Lake	315	38	12.1%	419	6	1.4%
Tuolumne	455	110	24.2%	537	5	0.9%
Glenn	276	15	5.4%	265	2	0.8%
Siskiyou	557	48	8.6%	569	4	0.7%
Mendocino	1,160	64	5.5%	1,261	3	0.2%
Calaveras	254	8	3.1%	304	0	0.0%
Del Norte	128	16	12.5%	147	0	0.0%
Inyo	114	5	4.4%	151	0	0.0%
Mono	1	0	0.0%	1	0	0.0%
Nevada	1	0	0.0%	2	0	0.0%
Sutter	3	0	0.0%	3	0	0.0%
Tehama	1	0	0.0%	1	0	0.0%
Trinity	5	0	0.0%	4	0	0.0%
Alpine	0	0	-	0	0	-
Lassen	0	0	-	0	0	-
Modoc	0	0	-	0	0	-
Total	3,779	374	9.9%	4,282	86	2.0%

Note:

1) San Francisco is not included in this table because it entered all CPOs into DVROS, regardless of whether they are related to domestic violence. Since October 2004, San Francisco Police Department re-examined and improved the way it enters CPOs in DVROS.

Appendix C

Temporary Restraining Order and Notice of Hearing (Form DV-110)

DV-110**Temporary Restraining
Order and Notice of Hearing**

- ① Name of person asking for protection (protected person): _____

Protected person's address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*): _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Protected person's lawyer (*if any*): (*Name, address, telephone number, and State Bar number*): _____

- ② Restrained person's name: _____

Description of that person: Sex: ☐ M ☐ F Height: _____

Weight: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

- ③ List the full names of all family or household members protected by this order: _____

- ④ **Court Hearing Date (Fecha de la Audiencia)**

Clerk will fill out section below.

**Hearing
Date** →

Date: _____ Time: _____ Name and address of court if different from above: _____
Dept.: _____ Rm.: _____

To the person in ②: At the hearing, the judge can make restraining orders that last for up to 3 years. The judge can also make other orders about your children, child support, spousal support, money, and property. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you *must* obey the orders.

Para la persona nombrada en ②: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 3 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in ①: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody visitation and child support. Safety concerns related to your financial needs and the children's will also be considered.

- ⑤ **Temporary Orders (Ordenes Temporales)**

Any orders made in this form end at the time of the court hearing in ④, unless a judge extends them.

Read this form carefully. All checked boxes ☒ and items 10 and 11 are court orders.

Todas las órdenes hechas en este formulario terminarán en la fecha y hora de la audiencia en ④, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ y artículo 10 son órdenes de la corte.

This is a Court Order.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

Judicial Council of California, www.courtinfo.ca.gov
Revised July 1, 2005, Mandatory Form
Family Code, § 6200 et seq. Approved by DCU

DV-110, Page 1 of 5 →

American LegalNet, Inc.
www.USCourtForms.com

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

Fill in court name and street address:

Superior Court of California, County of _____

Clerk fills in case number:

Case Number: _____

Case Number: _____

Your name: _____

6 ☐ **Personal Conduct Orders**

The person in **(2)** must *not* do the following things to the protected people listed in **(1)** and **(3)**:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
 - ☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise

Peaceful written contact through a process server or another person to serve legal papers is allowed and does not violate this order.

7 ☐ **Stay-Away Order**

The person in **(2)** must stay at least _____ yards away from:

- a. ☐ The person listed in **(1)**
- b. ☐ The people listed in **(3)**
- c. ☐ Home ☐ Job ☐ Vehicle of person in **(1)**
- d. ☐ The children's school or child care
- e. ☐ Other (*specify*): _____

8 ☐ **Move-Out Order**

The person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): _____

9 ☐ **Child Custody and Visitation Order**

- a. ☐ You and the other parent must make an appointment for court mediation (*address and phone number*): _____
- b. ☐ Follow the orders listed in Form DV-140, which is attached.

10 ☐ **No Guns or Other Firearms**

The person in **(2)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

11 ☐ **Turn in or sell guns or firearms:**

The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of receiving this order.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns and firearms have been turned in or sold.

12 ☐ **Property Control**

Until the hearing, *only* the person in **(1)** can use, control, and possess the following property and things:

This is a Court Order.

Revised July 1, 2005

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)**
(Domestic Violence Prevention)

DV-110, Page 2 of 5



Your name: _____

Case Number: _____

13 ☐ **Property Restraint**

If the people in ① and ② are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court.

14 ☐ **Record Unlawful Communications**

The person in ① can record communications made by the person in ② that violate the judge's orders.

15 **No Fee to Notify**

If the sheriff or marshal serves this order, he or she will do it for free.

16 ☐ **Other Orders** (specify): _____

17 If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. (Write restrained person's address here): _____

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 ☐ **Time for Service**

A To: Person Asking for Order

Someone 18 or over—not you or the other protected people—must personally “serve” a copy of this order to the restrained person at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—not you—must “serve” Form DV-120 on the person in ①, then file it with the court at least _____ days before the hearing.

For help with Service or answering, read Form DV-210 or DV-540.

Date: _____

►

Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

Revised July 1, 2005

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

DV-110, Page 3 of 5



Your name: _____

Case Number: _____

Warnings and Notices to the Restrained Person in ②

19 If you do not obey this order, you can be arrested and charged with a crime.

- It is a felony to take or hide a child in violation of this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

20 You cannot have guns or firearms.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition if you are subject to a restraining order made after a noticed hearing.

21 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in item ②②.
- File DV-120 and have all papers served on the protected person by the date listed in item ①⑧ of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 3 years.

22 Child Custody, Visitation, and Support

- Child Custody and Visitation: If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- Child Support: The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a *Financial Statement* (FL-155) or an *Income and Expense Declaration* (FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.
- Spousal Support: File and serve a *Financial Statement* (FL-155) or an *Income and Expense Declaration* (FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

This is a Court Order.

Revised July 1, 2005

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

DV-110, Page 4 of 5



Your name: _____

Case Number: _____

Instructions for Law Enforcement

23 Start Date and End Date of Orders

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

24 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

25 Notice/Proof of Service

- Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

26 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

27 Child Custody and Visitation

- Custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- Forms DV-100 and DV-105 are not orders. Do not enforce them.

28 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, or on the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

29 Conflicting Orders

If a criminal restraining order (CR-160) conflicts with a civil restraining order (DV-110 or DV-130), enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the civil order. (Pen. Code, § 136.2(h).) Any nonconflicting terms of the civil restraining order remain in full force.

Clerk's Certificate
[seal]

I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Revised July 1, 2005

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

DV-110, Page 5 of 5

Print This Form

**For your protection and privacy, please press the
Clear This Form button after you have printed the form.**

Clear This Form

Appendix D

SUSPICIOUS INJURY REPORT (Form OES-920)



INFORMATION DISCLOSURE

This form is for law enforcement use only and is confidential in accordance with Section 11163.2 of the Penal Code. This form shall not be disclosed except by local law enforcement agencies to those involved in the investigation of the report or the enforcement of a criminal law implicated by this report. In no case shall the person identified as a suspect be allowed access to the injured person's whereabouts. The person making this report shall not be required to disclose his/her identity to their employer (PC 11160).

Part A: PATIENT WITH SUSPICIOUS INJURY

1. PATIENT'S NAME (Last, First, Middle)	2. BIRTH DATE	3. GENDER <input type="checkbox"/> M <input type="checkbox"/> F	4. SAFE PHONE NUMBER ()
5. PATIENT'S RESIDING ADDRESS (Number and Street / Apt. - NO P.O. Box)		City	State Zip
6. PATIENT SPEAKS ENGLISH <input type="checkbox"/> Y <input type="checkbox"/> N - Identify language spoken: _____		7. DATE AND TIME OF INJURY Date: _____ Time: <input type="checkbox"/> am <input type="checkbox"/> pm <input type="checkbox"/> Unknown	
8. LOCATION / ADDRESS WHERE INJURY OCCURRED, IF AVAILABLE - Check here if unknown: <input type="checkbox"/>			

9. PATIENT'S COMMENTS ABOUT THE INCIDENT - Include any identifying information about the person the patient alleges caused the injury and the names of any persons who may know about the incident.	<input type="checkbox"/> ADDITIONAL PAGES ATTACHED
---	--

10. NAME OF SUSPECT - If identified by the patient	11. RELATIONSHIP TO PATIENT, IF ANY	
12. SUSPICIOUS INJURY DESCRIPTION - Include a brief description of physical findings and the final diagnosis.		<input type="checkbox"/> ADDITIONAL PAGES ATTACHED

Part B: REQUIRED - AGENCIES RECEIVING PHONE AND WRITTEN REPORTS

13. LAW ENFORCEMENT AGENCY NOTIFIED BY PHONE (Mandated by PC 11160)		14. DATE AND TIME REPORTED Date: _____ Time: <input type="checkbox"/> am <input type="checkbox"/> pm	
15. NAME OF PERSON RECEIVING PHONE REPORT (First and Last)	16. JOB TITLE	17. PHONE NUMBER ()	
18. LAW ENFORCEMENT AGENCY RECEIVING WRITTEN REPORT (Mandated by PC 11160)		19. AGENCY INCIDENT NUMBER	

Part C: PERSON FILING REPORT

20. EMPLOYER'S NAME		21. PHONE NUMBER ()	
22. EMPLOYER'S ADDRESS (Number and Street)		City	State Zip
23. NAME OF HEALTH PRACTITIONER (First and Last)		24. JOB TITLE	
25. HEALTH PRACTITIONER'S SIGNATURE:		26. DATE SIGNED:	

Instructions To The Health Practitioner

Penal Code Section 11160 *mandates* the following regarding suspicious injuries:

- Internal procedures established to facilitate reporting and apprise supervisors and administrators of reports shall be consistent with the reporting requirements of PC Section 11160. The internal procedures shall not require any employee who must make a report to disclose his or her identity to the employer.
- Report suspicious injuries to your local law enforcement agency by telephone **immediately**, or as soon as practically possible.
- Submit the required completed written report to your local law enforcement agency *within two working days of discovering a suspicious injury*, whether or not:
 1. The person has expired;
 2. The injury was a factor contributing to the person's death; or
 3. Evidence of the conduct of the perpetrator is discovered during an autopsy.
- Use this standard form or a form, developed and adopted by another state agency, that otherwise fulfills the requirements of this form, (see "Exceptions to using this form" below).
- Two or more health practitioners with knowledge of a suspicious injury may mutually select a team member to make the telephone report and one written report signed by the selected team member. A team member who knows that the selected team member has not made the telephone call or submitted the written report shall make the report(s).
- No supervisor or administrator shall impede or inhibit the required reporting duties, and no person making a report pursuant to this section shall be subject to any sanction for making the report.

Exceptions To Using This Form

Other state reporting mandates pre-empt the use of this form to report suspicious injuries, as follows:

Incident	Form	Source of Form
Physical Child Abuse	SS 8572	Call California Department of Justice at (916) 227-3285.
Dependent Adult / Elder Abuse	SOC 341	Online: http://www.dss.cahwnet.gov/pdf/SOC341.pdf or contact your local County Adult Protective Services Dept.
Sexual Assault – Adult*	OCJP 923*	Online: www.oes.ca.gov under Plans and Publications or call OES at (916) 324-9100.
Sexual Assault – Child*	OCJP 925* OCJP 930*	

*Use these forms to conduct a forensic examination of the victim. Otherwise, use this Suspicious Injury Report form.

Definitions

Health Practitioner – Provides medical services to a patient for a physical condition that he/she reasonably suspects is a suspicious injury as listed below, and is employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department.

Suspicious Injury – Includes any wound or other physical injury that either was:

- Inflicted by the injured person's own act or by another where the injury is by means of a firearm, OR
- Is suspected to be the result of *assaultive or abusive conduct* inflicted upon the injured person.

Injury – Shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

Assaultive / Abusive Conduct – includes committing, or an attempt to commit, any of the following Penal Code violations:

- | | | | |
|---|---|--|---|
| <ul style="list-style-type: none"> • Abuse of spouse or cohabitant • Aggravated mayhem • Administering controlled substances or anesthetic to aid in the commission of a felony • Assault with a stun gun or taser • Assault with a deadly weapon, firearm, assault weapon or machine gun, or by means likely to produce great bodily injury | <ul style="list-style-type: none"> • Assault with intent to commit mayhem, rape, sodomy, or oral copulation • Battery • Child abuse or endangerment (including Statutory Rape) • Elder abuse • Incest • Lewd and lascivious acts with a child | <ul style="list-style-type: none"> • Murder • Manslaughter • Mayhem • Oral copulation • Procuring any female to have sex with another man • Rape • Sexual battery • Sexual penetration | <ul style="list-style-type: none"> • Sodomy • Spousal rape • Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure • Torture |
|---|---|--|---|

Appendix E

APPLICATION FOR EMERGENCY PROTECTIVE ORDER (Form 1295.90)

APPLICATION FOR EMERGENCY PROTECTIVE ORDER (CLETS)

1295.90

(Name): _____ has provided the information in items 1-5.

LAW ENFORCEMENT CASE NUMBER: _____

1. PERSON(S) TO BE PROTECTED (insert names of all persons to be protected by this order): _____

2. PERSON TO BE RESTRAINED (name): _____

Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

3. The events that cause the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking (including workplace violence or civil harassment) are (give facts and dates; specify weapons): _____

4. ☐ The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the address in item 9.5. a. ☐ The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in item 3. A custody order ☐ does ☐ does not exist.b. ☐ The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 3.6. ☐ A child welfare worker or probation officer has advised the undersigned that a juvenile court petition ☐ will be filed. ☐ will NOT be filed.7. ☐ Adult Protective Services has been notified.

8. Phone call to (name of judicial officer): _____ on (date): _____ at (time): _____

☐ The judicial officer granted the Emergency Protective Order that follows.

By: _____

(PRINT NAME OF LAW ENFORCEMENT OFFICER)

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: _____ Telephone No.: _____ Badge No.: _____

EMERGENCY PROTECTIVE ORDER

9. To restrained person (name): _____

a. ☐ You must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy any personal property, or disturb the peace of each person named in item 1.b. ☐ You must ☐ stay away at least _____ yards from each person named in item 1.
☐ stay away at least _____ yards from ☐ move out immediately from

(address): _____

10. ☐ (Name): _____ is given temporary care and control of the following minor children of the parties (names and ages): _____

11. Reasonable grounds for the issuance of this order exist and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking (including workplace violence or civil harassment).

12. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON: _____

To protected person: If you need protection for a longer period of time, you must request permanent protective orders at (court name and address): _____

INSERT DATE OF FIFTH COURT DAY OR SEVENTH CALENDAR DAY, WHICHEVER IS EARLIER; DO NOT COUNT DAY THE ORDER IS GRANTED

PROOF OF SERVICE

13. Person served (name): _____

14. I personally delivered copies to the person served as follows: Date: _____ Time: _____

Address: _____

15. At the time of service I was at least 18 years of age and not a party to this cause.

16. My name, address, and telephone number are (this does not have to be server's home telephone number or address): _____

☐ California sheriff or marshal

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME OF SERVER)

(See reverse for important notices)

(SIGNATURE OF SERVER)

Form Adopted for Mandatory Use
Judicial Council of California
1295.90 (Rev. January 1, 2000)
Approved by DOJEMERGENCY PROTECTIVE ORDER (CLETS)
(Domestic Violence, Child Abuse, Elder or Dependent
Adult Abuse, Workplace Violence, Civil Harassment)WEST GROUP
Official PublisherFamily Code, § 6240 et seq.
Penal Code, § 646.91

ONE copy to court, ONE copy to restrained person, ONE copy to protected person, ONE copy to issuing agency

EMERGENCY PROTECTIVE ORDER WARNINGS AND INFORMATION

VIOLATION OF THIS ORDER IS A MISDEMEANOR PUNISHABLE BY A \$1,000 FINE, ONE YEAR IN JAIL, OR BOTH, OR MAY BE PUNISHABLE AS A FELONY. PENAL CODE SECTION 12021(g) PROHIBITS ANY PERSON SUBJECT TO A RESTRAINING ORDER FROM PURCHASING OR ATTEMPTING TO PURCHASE OR OTHERWISE OBTAIN A FIREARM. SUCH CONDUCT IS SUBJECT TO A \$1,000 FINE AND IMPRISONMENT OR BOTH. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS IN THE STATE OF CALIFORNIA WHO ARE AWARE OF OR SHOWN A COPY OF THE ORDER. UNDER PENAL CODE SECTION 13710(b), "THE TERMS AND CONDITIONS OF THE PROTECTION ORDER REMAIN ENFORCEABLE, NOTWITHSTANDING THE ACTS OF THE PARTIES, AND MAY BE CHANGED ONLY BY ORDER OF THE COURT."

To the restrained person: This order will last until the date and time in item 12 on the reverse. The protected person may, however, obtain a more permanent restraining order when the court opens. You may seek the advice of an attorney as to any matter connected with this order. The attorney should be consulted promptly so that the attorney may assist you in responding to the order.

A la persona bajo restricción judicial: Esta orden durará hasta la fecha y hora indicadas en el punto 12 al dorso. La persona protegida puede, sin embargo, obtener una Orden de entredicho (restricción judicial) más permanente cuando la corte abra. Usted puede consultar a un abogado en conexión con cualquier asunto relacionado con esta orden. Debe consultar al abogado sin pérdida de tiempo para que él o ella le pueda ayudar a responder a la orden.

To the protected person: This order will last only until the date and time noted in item 12 on the reverse. If you wish to seek continuing protection, you will have to apply for an order from the court at the address on the reverse, when it opens, or you should apply to the court in the county where you live if it is a different county and the violence is likely to occur there. You may apply for a protective order free of charge. In the case of an endangered child, you may also apply for a more permanent order at the address on the reverse, or if there is a juvenile dependency action pending you may apply for a more permanent order under section 213.5 of the Welfare and Institutions Code. In the case of a child being abducted, you may apply for a *Child Custody Order* from the court at the address on the reverse side of this form. You may seek the advice of an attorney as to any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application. You do not have to have an attorney to get the protective order.

A la persona protegida: Esta orden durará sólo hasta la fecha y hora indicadas en el punto 12 al dorso. Si usted desea que la protección continúe, tendrá que solicitar una orden de la corte en la dirección indicada al dorso cuando la corte abra, o tendrá que hacer la solicitud ante la corte del condado donde usted vive, si se trata de un condado diferente y es probable que la violencia ocurra allí. La solicitud de la orden de protección es gratis. En el caso de que un niño o una niña se encuentre en peligro, puede solicitar una orden más permanente en la dirección indicada al dorso o, si hay una acción legal pendiente de tutela juvenil, puede solicitar una orden más permanente conforme a la sección 213.5 del código titulado en inglés **Welfare and Institutions Code**. En el caso del secuestro de un niño o una niña, usted puede solicitar de la corte una Orden para la guarda del niño o de la niña (*Child Custody Order*), en la dirección indicada al dorso de este formulario. Puede consultar a un abogado en conexión con cualquier asunto relacionado con las solicitudes de órdenes de la corte que usted presente en el futuro. Debe consultar un abogado sin pérdida de tiempo para que él o ella le pueda ayudar a presentar su solicitud. Para obtener la orden de protección no es necesario que un abogado le represente.

To law enforcement: Penal Code section 13710(c) provides that, upon request, law enforcement shall serve the party to be restrained at the scene of a domestic violence incident or at any time the restrained party is in custody. The officer who requested the emergency protective order, while on duty, shall carry copies of the order. The emergency protective order shall be served upon the restrained party by the officer, if the restrained party can reasonably be located, and a copy shall be given to the protected party. A copy also shall be filed with the court as soon as practicable after issuance. The availability of an emergency protective order shall not be affected by the fact that the endangered person has vacated the household to avoid abuse. A law enforcement officer shall use every reasonable means to enforce an emergency protective order issued pursuant to this subdivision. A law enforcement officer acting pursuant to this subdivision shall not be held civilly or criminally liable if he or she has acted in good faith with regard thereto.

If a child is in danger of being abducted: This order will last only until the date and time noted in the *Emergency Protective Order*. You may apply for a child custody order from the court, on the reverse side of this form.

En el caso de peligro de secuestro de un niño o de una niña: Esta orden será válida sólo hasta la hora y fecha indicadas en la Orden de protección de emergencia (*Emergency Protective Order*). Usted puede solicitar de la corte una Orden para la guarda del niño o de la niña (*Child Custody Order*), en la dirección indicada al dorso.

This emergency protective order is effective when made. This order shall expire not later than the close of judicial business on the fifth day of judicial business following the day of its issue. An emergency protective order is also available to prevent the occurrence of child abuse.

1295.90 [Rev. January 1, 2000]

EMERGENCY PROTECTIVE ORDER (CLETS)
(Domestic Violence, Child Abuse, Elder or Dependent
Adult Abuse, Workplace Violence, Civil Harassment)

ONE copy to court, ONE copy to restrained person, ONE copy to protected person, ONE copy to issuing agency

WEST GROUP
Official Publisher

Page two